

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

362

Applicant: Todd A. Schwartz et al.

Title: METHOD FOR SPECIFYING MULTIPLE PRICING OPTIONS IN A SINGLE CONFIGURABLE DIGITAL CONTENT PRODUCT

Docket No.: 884.619US1

Filed: December 20, 2001

Examiner: Rob Rhode



Serial No.: 10/027,420

Due Date: July 24, 2005

Group Art Unit: 3625

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Response to Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Customer Number 21186

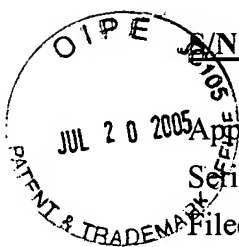
By: Ann M. McCrackin  
Atty: Ann M. McCrackin  
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of July, 2005.

John D. Gustor-Wrathall  
Name

Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)



S/N 10/027,420

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Todd A. Schwartz et al.	Examiner: Robert E. Rhode, Jr.
Serial No.:	10/027,420	Group Art Unit: 3625
Filed:	December 20, 2001	Docket: 884.619US1
Title:	DIGITAL CONTENT PRICING APPARATUS AND METHOD	
Assignee:	Intel Corporation	Customer No: 21186

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Restriction Requirement mailed June 24, 2005, the Applicant hereby elects, with traverse, Claim Grouping I (Claims 1-7), and the species set forth in claim 5. The Applicant reserves the right to reintroduce non-elected claims into this Application, or into one or more divisional applications at a later date.

The Applicant respectfully submits that the Restriction Requirement has not followed the mandate of M.P.E.P. § 806.04(b), which states, in part:

Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(i). If restriction is improper under either practice, it should not be required.

The analysis requires two criteria for a proper restriction: (A) the inventions must be independent or distinct, and (B) there must be a serious burden on the examiner. This analysis is not properly provided in the Restriction Requirement.

While it is asserted by the Office that the invention of independent claim 1 is distinct from that of independent claim 8, it is respectfully noted that every element of claim 1 is included in claim 8 – the elements of these claims are not mutually exclusive. Further, as noted in the Restriction Requirement, all of the pending claims have been classified in the same class: Class 725. In fact, all of the claims also fall into only two subclasses of that class: subclasses 26 and 27. Thus, searching in this limited number of subclasses does not appear on its face to be overly burdensome. And, contrary to the

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assertion by the Office, the search required for claim group I is also required for claim group II. Accordingly, the Applicant respectfully requests that the requirement to elect between claim groups I and II (claims 1-7 and 8-11, respectively) be withdrawn.

The Applicant also respectfully asserts that at least claim 1 is generic to each species recited by the Examiner (as between claims 5 and 6), and claims 2-11. Thus, allowance of claim 1 should result in allowance of at least claims 2-11.

The Examiner is invited to telephone the Applicant's attorney, Mark Muller at (210) 308-5677, or Applicant's below-named representative to facilitate the prosecution of this Application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

TODD A. SCHWARTZ ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

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Date July 18, 2005 By Ann M. McCrackin  
Ann M. McCrackin  
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John D. Gustaf-Wrathall  
Name

John D. Gustaf-Wrathall  
Signature